UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,529	04/26/2001	Dirk Formhals	7347-000003 (200T034.01 U	7402

			EXAMINER
27572	7590	05/06/2004	ANYA, CHARLES E

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)
	09/843,529	●	FORMHALS ET AL.
	Examiner		Art Unit
	Charles E Anya		2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-9 and 11-17 are rejected under 35 U.S.C. 102(e) as being**

anticipated by U.S. Pat. No. 6,5253,228 B1 to Ferris et al.

4.   As to claim 1, Ferris teaches a method for a computer application with

operational control, in which overall operation is made up of sub-operations, by means

of calling subroutines and methods of an object-oriented programming environment,

comprising: determining the next subroutine to be executed in each case by evaluating

the result of a query that is sent via a data network (Col. 10 Ln. 13 – 47, figure 3/6A Col.

13 Ln. 49 – 67).

5.   As to claim 2, Ferris teaches the method as described Claim 1 wherein the query

includes the contents of a state variable (figure 7 Col. 11 Ln. 51 – 67, Col. 13 Ln. 60 –

67, Col. 14 Ln. 1 – 6).

6.   As to claim 3, Ferris teaches the method as described in Claim 1 wherein the

query includes the result of one or more preceding functions (Col. 10 Ln. 27 – 47, Col.

Col. 13 Ln. 60 – 67).

7.   As to claim 4, Ferris teaches the method as described in Claim 1 wherein the

subroutine or method is specified dynamically or loaded by a dynamic loader (Col. 6 Ln.

44 – 67).

8.   As to claim 5, Ferris teaches the method as described in Claim 1 wherein the

subroutine or the method is loaded via a data network (Col. 6 Ln. 44 – 67).

9.   As to claim 6, Ferris teaches a method of controlling an application program for

communicating information over a network between a client and a server, the

application program having a previous state and a current state, comprising: storing at

least two methods on the server, at the server, receiving a request having a state

indicator indicative of the previous state of the application program, selecting one of the

at least two methods based upon the state indicator and transmitting the requested

method to the client (Col. 10 Ln. 13 – 47, Col. 11 Ln. 19 – 50, figure 3/6A/B Col. 49 –

67, Col. 14 Ln. 1 – 67).

10.   As to claim 7, Ferris teaches the method of Claim 6 wherein the step of selecting

includes appending the state indicator to a shell identifier such that a unique one of the

methods is identified (Col. 13 Ln. 60 – 67).

11.   As to claim 8, Ferris teaches the method of Claim 7 wherein the step of selecting

further includes selecting the unique one of the methods (Col. 14 Ln. 25 – 33).

12.   As to claim 9, Ferris teaches the method of Claim 6 wherein the request is

received from the client (Col. 13 Ln. 49 – 67).

13.   As to claim 11, Ferris teaches the method of Claim 6 wherein the at least two

methods are selected from the group of applets, Web pages, executable functions, and

evaluation functions (Col. 14 Ln. 1 – 6, Col. 14 Ln. 25 – 33).

14.   As to claim 12, Ferris teaches the method of Claim 6 wherein the state indicator

is indicative of a calling function from which the request originated (Col. 14 Ln. 1 – 6).

15.   As to claim 13, see the rejection of claim 7.

16.   As to claim 14. A system for controlling an application program that

communicates information over a network between a client and a server, comprising:

the server including a previous subroutine and at least two other subroutines, an

automatic switch, responsive to a client request having a designator indicative of the

previous subroutine, to select one of the other subroutines based upon the designator

and the server activating the selected subroutine (Col. 10 Ln. 13 – 47, Col. 11 Ln. 1 –

50, figure 3/6A/B Col. 13 Ln. 49 – 67, Col. Ln. 1 – 67).

17.   As to claim 15, see the rejection of claim 11.

18.   As to claim 16, see the rejection of claim 7.

19.   As to claim 17, Ferris teaches the system of Claim 16 wherein the automatic

switch further includes a shell for selecting the unique one of the subroutines (Col. 13

Ln. 49 – 59).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

21.   **Claims 10 and 18-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Pat. No. 6,253,228 B1 to Ferris et al. in view of U.S. Pat.

No. 6,546,397 B1 to Rempell.

22.   As to claim 10, Ferris is silent with reference to the method of Claim 6 wherein

the step of selecting includes input error checking.

23.   Rempell teaches the method of Claim 6 wherein the step of selecting includes

input error checking (Col. 6 Ln. 43 – 48, figure 10 Col. 24 Ln. 60 – 67, Col. 25 Ln. 1 –

40).

24.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Rempell and Ferris because the

teaching of Rempell improve the system of Ferris by providing data integrity (figure 10

Col. 24 Ln. 60 – 67, Col. 25 Ln. 1 – 40).

25.   As to claim 18, see the rejection of claim 10.

26.   As to claim 19, a method of controlling an application program for communicating

information over a network between a client and a server, the application program

having a previous state and a current state, comprising: storing at least two methods on

the server; at the server, receiving a client request having a designator indicative of the

previous state of the application program (figure 3/6A/B Col. 13 Ln. 49 – 67, Col. 1 –

67), selecting one of the at least two methods based upon the designator (figure 6B Col.

14 Ln. 25 – 33), appending the state indicator to a shell identifier such that a unique one

of the methods is identified/selecting the unique one of the methods based upon the

state indicator (Col. 13 Ln. 60 – 67) and transmitting the requested method to the client

(figure 6B Col. 14 Ln. 56 – 67, Col. 15 Ln. 21 – 38).

27.   Ferris is silent with reference to error checking the client request.

28.   Rempell teaches error checking the client request (Col. 6 Ln. 43 – 48, figure 10

Col. 24 Ln. 60 – 67, Col. 25 Ln. 1 – 40).

29.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Rempell and Ferris because the

teaching of Rempell improve the system of Ferris by providing data integrity (figure 10

Col. 24 Ln. 60 – 67, Col. 25 Ln. 1 – 40).

30.   As to claim 20, see the rejection of claim 11.

Conclusion

31.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Pat. No. 6,188,400 B1 to House et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles E Anya whose telephone number is (703) 305-

3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126

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